OIPE JC107
JUL 08 2005
PATENT & TRADEMARK OFFICE

PATENT
Attorney Docket No. 49272.830011.US0
Express Mail Label No. EV268506881US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Fulton, Michael	Examiner: Gherbi, Suzette Jaime J.
Serial No. 10/680,982	Art Unit: 3738
Filed: October 7, 2003	
For: SPINAL IMPLANT	

PETITION FOR A ONE-MONTH EXTENSION OF TIME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

The applicants, by and through the undersigned attorney, hereby petition for a one-month extension of time, i.e., up to and including August 5, 2005, in which to respond to the Office Action mailed April 5, 2005. Please charge Deposit Account No. 08-2623 to cover the $60.00 extension fee. Any additional charges may be charged to Deposit Account No. 08-2623.

WHEREFORE, it is respectfully requested that the one-month extension of time be granted.

Respectfully submitted,

Dated: July 8, 2005

Brian Kinnear, Reg. No. 43,717
HOLLAND & HART LLP
555 17th Street, Suite 3200
Denver, Colorado 80201-8749
Telephone: (303) 295-8170
Facsimile: (303) 295-8261

07/13/2005 SSITHIB1 00000097 082623 10680982
01 FC:2251 60.00 DA

OIPE JC107 JUL 0 8 2005 PATENT & TRADEMARK OFFICE

PTO/SB/17 (12-04v2)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005

☒ Applicant claims small entity status. See 37 C.F.R. 1.27

TOTAL AMOUNT OF PAYMENT ($) 60.00

Complete if Known	
Application Number	10/680,982
Filing Date	October 7, 2003
First Named Inventor	Fulton, Michael
Examiner Name	Gherbi, Suzette Jaime J.
Art Unit	3738
Attorney Docket No.	49272.830011.US0

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ NoneOther(please identify):_____

☒ Deposit Account Deposit Account Number: 08-2623 Deposit Account Name: Holland and Hart

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
Application Type	Fee ($)	Small Entity Fee ($)	Fee ($)	Small Entity Fee ($)	Fee ($)	Small Entity Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims _____ -20 or HP = _____ Extra Claims X Fee ($) _____ = Fee Paid ($) _____

HP = highest number of total claims paid for, if greater than 20

Multiple Dependent Claims Fee($) _____ Fee Paid ($) _____

Indep. Claims _____ -3 or HP = _____ Extra Claims X Fee ($) _____ Fee Paid ($) _____

HP=highest number of independent claims paid for, if greater than 3.

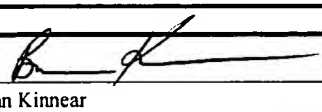
3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets _____ -100 _____ Extra Sheets /50= _____ Number of each additional 50 or fraction thereof (round up to a whole number) ____ X Fee ($) _____ = Fee Paid ($) _____

4. OTHER FEES

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	
Other (e.g., late filing surcharge: Petition for One-Month Extension Fee:	$60.00

SUBMITTED BY				Complete (*if applicable*)	
Signature		*Registration No. (Attorney/Agent)*	43,717	Telephone	(303) 295-8170
Name (Print/Type)	Brian Kinnear			Date	July 8, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.